

Department of Environmental Protection and Resource Management  
105 West Chesapeake Avenue  
Towson, Maryland 21204

In the Matter of

Civil Citation No.72096

Donald James Latham

8523 Dogwood Road

Respondent

FINDINGS OF FACT AND CONCLUSIONS OF LAW  
FINAL ORDER OF THE CODE ENFORCEMENT HEARING OFFICER

This matter came before the Baltimore County Code Enforcement Hearing Officer on February 23, 2010, for a Hearing on a citation for violations of the Baltimore County Zoning Regulations (BCZR) section 101, 102.1, failure to cease contractor equipment storage yard, failure to remove rubble, stone, pipes and construction from property on residential property known as 8523 Dogwood Road, 21244.

On February 3, 2010, pursuant to § 3-6-205, Baltimore County Code, Inspector Chip Raynor issued a Code Enforcement citation. The citation was sent to the Respondent by 1<sup>st</sup> class mail to the last known address listed in the Maryland State Tax Assessment files.

The citation proposed a civil penalty of \$2,000.00 (two thousand dollars).

The Respondent failed to request a Code Enforcement Hearing and/or failed to appear after requesting a Hearing. Baltimore County Code, § 3-6-205(d) provides that in case of failure to request a Code Enforcement Hearing or if the violator (Respondent) fails to appear after requesting a Hearing then the citation and the civil penalty, shall be the Final Order of the Code Official not subject to appeal.

After proper consideration of all the evidence presented, the Hearing Officer finds:

A. A Correction Notice was issued on December 28, 2009 for removal of contractor's equipment storage yard from this property. This Citation was issued on February 3, 2010.

B. Documents in the file show this property is zoned R.C. 6 (Rural Conservation and Residential). State property tax records state that the use of this 34 acre property is "agricultural" and that this is Respondent's principal residence.

C. Photographs in the file show a large pile of what appears to be dumped rubble, gravel and dirt including broken concrete pipes and other debris; a pile of large corrugated pipes; piles of dumped gravel and broken concrete and bricks; stacks of plywood and lumber; and a large quantity of wood and tree debris. Photographs also show heavy equipment including a motorized road roller/compactor, a large excavator, trailers, and related equipment.

D. Notes in the file show that Respondent has operated a business called "Latham Landscaping and Tree Removal." Past court records show this company and Respondent both using this address. State Department of Assessments and Taxation records show this company's corporate status as "forfeited."

E. The dumped junk and debris clearly violates prohibitions against the accumulation of junk, trash and debris on residential property. BCC Section 13-4-201, Section 13-7-309, Section 13-7-310. The dumping of rubble and dirt with no permits may violate environmental regulations and grading permit requirements, requiring referral to the Department of Environmental Protection & Resource Management for evaluation. The evidence shows that this property is being used for a contractor's storage yard or staging area, which is not permitted in a Rural Conservation and Residential zone. The citation will be enforced, and Respondent is advised that all the equipment, materials, and junk, debris and rubble must be removed.

IT IS ORDERED by the Code Enforcement Hearing Officer that a civil penalty be imposed in the amount of \$2,000.00 (two thousand dollars).

IT IS FURTHER ORDERED that the case be referred to the Department of Environmental Protection & Resource Management for investigation of possible dumping or grading violations.

IT IS FURTHER ORDERED that the civil penalty will be REDUCED to \$500.00 (five hundred dollars) if the violations are corrected by March 22, 2010, with all equipment, materials, junk, and debris removed from this residential property.

IT IS FURTHER ORDERED that if not paid within thirty days of billing, the civil penalty as authorized above shall be imposed and placed as a lien upon the property.

IT IS FURTHER ORDERED that the County inspect the property to determine whether the violations have been corrected.

ORDERED this 1<sup>st</sup> day of March 2010

Signed: ORIGINAL SIGNED  
Margaret Z. Ferguson  
Baltimore County Hearing Officer